

ALLOWANCE

Allowable Subject Matter

1. Claims 1-3, 8 and 9 are allowed.

The closest prior art is considered to be Niira, Kamari and Myers as set forth in the Office Action dated 11/13/2009. As argued by the applicant in the Pre-Conference Request dated 01/13/2010, the disclosure of Myers in paragraphs 0081 and 0082 stating the amount of metal can be varied over a wide range is specific only the metal in the zeolite, not the metal oxide in the antibiotic material. The amount of silver at most can be 20% in the zeolite, and there is no suggestion that the amount of silver oxide can be as high as 60%. As such, one of ordinary skill in the art would not have been motivated to modify Niira such that the silver based antibiotic substance contains 60-80% of an oxide of silver ions, 10-20% zinc oxide and 10-20% zirconium phosphate.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTOPHER SCHATZ whose telephone number is (571)272-6038. The examiner can normally be reached on Monday through Friday 9 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/CHRISTOPHER SCHATZ/
Examiner, Art Unit 1791

/Richard Crispino/
Supervisory Patent Examiner, Art Unit 1791